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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
ANDREW CUOMO,

Plaintiff,

v.

RAS JAI BEY,

Defendant.  
\_\_\_\_\_X

MEMORANDUM  
AND ORDER  
19-CV-5834 (WFK)(PK)

**WILLIAM F. KUNTZ, II, United States District Judge:**

On October 11, 2019, defendant Ras Jai Bey ("Bey" a/k/a Shaun Nunes) filed this *pro se* notice of removal seeking to remove a pending state court criminal matter. However, he failed to pay the filing fee or to request *in forma pauperis* status. By letter dated October 16, 2019, plaintiff was provided with the proper form and instructed that to proceed, he must either pay the \$400 filing fee or return the completed IFP application. Plaintiff has not responded to the Court's letter<sup>1</sup> and the time for doing so has passed.

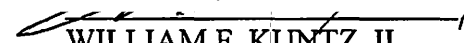
Accordingly, the action is dismissed without prejudice. In light of Bey's attempt to remove a state court criminal matter, *People v. Shaun Nunes*, Docket No. CR-009618-19QN, the Clerk of Court is respectfully requested to send a copy of this order to the Clerk of the Criminal Court of the City of New York, County of Queens. The Clerk of Court is also respectfully requested to mail this order to the address of record and close this case. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and

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<sup>1</sup> On October 25, 2019, Bey submitted an "Affidavit of Fact" regarding service of his Notice of Removal.

therefore *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED. 

s/WFK

  
WILLIAM F. KUNTZ, II  
United States District Judge

Dated: November 6, 2019  
Brooklyn, New York